

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 11<sup>th</sup> day of June 2015, at 7:00 P.M., and there were

PRESENT: DANIEL BEUTLER, MEMBER  
JOHN BRUSO, MEMBER  
JAMES PERRY, MEMBER  
LAWRENCE PIGNATARO, MEMBER  
ARLIE SCHWAN, MEMBER  
RICHARD QUINN, CHAIRMAN

ABSENT: JILL MONACELLI, MEMBER

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK  
KEVIN LOFTUS, DEPUTY TOWN ATTORNEY  
SCOTT PEASE, ASST. CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**PETITION OF: BENDERSON DEVELOPMENT COMPANY, LLC**

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Benderson Development Company, LLC, 570 Delaware Ave, Buffalo, New York 14202 for one [1] variance for the purpose of constructing a building, on property owned by Transit William Associates, LLC at 4931 Transit Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 19C.(5) of the Code of the Town of Lancaster. The height of the proposed building is forty-five feet 2 inches [45' 2"]

Chapter 50, Zoning, Section 19C.(5) of the Code of the Town of Lancaster limits the building height to thirty-five [35] feet. The petitioner, therefore, requests a ten foot 2 inch [10' 2"] height variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

Copy of a letter notifying the Town of Cheektowaga and New York State Department of Transportation of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Joseph Boglioli, Attorney  
Representing Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF BENDERSON DEVELOPMENT  
COMPANY, LLC**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR.PIGNATARO, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PERRY  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Benderson Development Company, LLC and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11<sup>th</sup> day of June 2015, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the duly authorized agent of the property owner.

**WHEREAS**, the property for which the applicant is petitioning is within a General Business District, (GB) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has not commented.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is  
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	VOTED	YES
MS. MONACELLI	WAS ABSENT	
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SCHWAN	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

June 11, 2015

**PETITION OF: JOSEPH TODORO**

THE 2nd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Joseph Todoró, 2 Silent Meadow Lane, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a five [5] foot high fence in a required open space area on premises owned by the petitioner at 2 Silent Meadow Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Silent Meadow Lane with an exterior side yard (considered a front yard equivalent) fronting on Branch Way. The petitioner proposes to erect a five [5] foot high fence within the required open space area of the exterior side yard fronting on Branch Way.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard (considered a front yard equivalent) to three [3] feet in height. The petitioner, therefore, requests a two [2] foot fence height variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Joseph Todoró, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF JOSEPH TODORO**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. BRUSO, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PIGNATARO  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Joseph Todoro and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11<sup>th</sup> day of June 2015, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant is petitioning is within a Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the possibility of an undesirable change in the character of the neighborhood has been mitigated by the adoption of the conditions imposed.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

That such fence will not unduly shut out light or air to adjoining properties.

That such fence will not create a fire hazard by reason of its construction or location.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is  
hereby **GRANTED** subject to the following conditions:

- 1. That the fence located in the required front yard is limited to four (4) feet in height.
- 2. That the southwest corner of the fence which is located in the required front yard shall be at a forty-five (45) degree angle.
- 3. That there shall be landscaping between the fence and the sidewalk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	VOTED	YES
MS. MONACELLI	WAS ABSENT	
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SCHWAN	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

June 11, 2015

**PETITION OF: RICHARD & LINDA MCDONNELL**

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition Richard and Linda McDonnell, 34 Apple Blossom Boulevard, Lancaster, New York 14086 for two [2] variances for the purpose of constructing an addition to an existing garage on premises owned by the petitioners at 34 Apple Blossom Boulevard, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster. The location of the proposed dwelling would result in an east side yard setback of 5 feet.

Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster requires a 7.5 foot east side yard setback. The petitioners, therefore, request an east side yard setback variance of 2.5 feet.

- B. A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster. The location of the proposed dwelling would result in a side combination of 14.6 feet for both side yards.

Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster requires a side yard combination of 18.75 feet. The petitioners, therefore, request a side yard combination variance of 4.15 feet.

**The Clerk presented and entered into evidence the following items:**

- Duly executed petition of the applicants with exhibits and schedules attached thereto.
- Copy of a letter notifying the petitioners of the time and place of this public hearing.
- Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Cliff Alf,	Proponent
Representing Petitioner	



**IN THE MATTER OF THE PETITION OF RICHARD & LINDA MCDONNELL**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. PIGNATARO, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PERRY  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Richard & Linda McDonnell and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 11<sup>th</sup> day of June 2015, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicants are the present owners of the premises in question.

**WHEREAS**, the property for which the applicants are petitioning is within a Residential District 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is  
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	VOTED	YES
MS. MONACELLI	WAS ABSENT	
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SCHWAN	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

June 11, 2015

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting  
was adjourned at 8:09 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk and  
Clerk, Zoning Board of Appeals  
Dated: June 11, 2015